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Serial No. 10/694,115

Page 1 of 4

Attorney Docket No.: RADSA 20.620 (101120-00053)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Shai Amir et al.

Confirmation No.: 2591

Serial No.: 10/694,115

Filed: October 27, 2003

Title: **A VIRTUALIZATION SWITCH AND METHOD FOR
PERFORMING VIRTUALIZATION IN DATA-PATH**

Examiner: Edward Dudek Jr.

Group Art Unit: 2186

September 16, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION UNDER 37. C.F.R. § 1.131

SIR:

I, Michael Ben-Shimon, hereby declare as follows:

1. I am the Manager Israeli Clients for eNitiatives- New Business Architects Ltd.
2. eNitiatives is in the business of assisting firms in establishing their IP strategy, identify the IP that requires patent protection, and work with both firm's engineers and patent lawyers to ensure prompt filing of such IP.

3. Sanrad, Ltd, the assignee of the above-identified application is one of the companies that I work with in protecting their intellectual property.
4. I am authorized to act on behalf of Sanrad, Ltd., in matters relating to the intellectual property of Sanrad, Ltd.
5. Sanrad was a client of eNitiatives at the time of filing of the above-identified application, and I worked with Sanrad and U.S. patent counsel to effectuate the filing of the instant patent application.
6. The above-identified application was filed with the United States Patent and Trademark Office on October 27, 2003.
7. However, the subject matter of this patent application was conceived prior to the earliest priority dates of two of the references cited against this application, namely U.S. Patent No. 7,219,151 to Kobayashi having a priority date of October 23, 2003 and U.S. Published Patent Application No. 2005/0005044 to Liu having a priority date of July 2, 2003. Indeed, the declaration of inventorship, signed by each of the inventors, was in fact signed on September 25, 2003, which by itself antedates the Kobayashi reference by nearly a month.
8. On April 27, 2003, I met with Mr. Ronny Sayag, one of the inventors of the instant application, to discuss some of his concepts and determine the possibility of filing for patent protection. This meeting was memorialized in an email I sent to Mr. Sayag that same day. (Exhibit 1).
9. Following this meeting multiple emails were exchanged by Mr. Sayag and myself, culminating in an email dated May 25, 2003, which included two attachments.

(Exhibit 1) The first attachment was entitled Virtualization Top-Level Design and Software Requirements Specification, which had been originally prepared January 29, 2001. (Exhibit 2) The second attachment was a Powerpoint presentation entitled SDC Architecture and had been prepared in February 2002. (Exhibit 3)

10. After review of the presentation, I sought to set up a further meeting with Mr. Sayag and other members of his engineering team. A meeting was ultimately scheduled for June 15, 2003. (Exhibit 4).

11. Following this meeting I prepared a draft patent disclosure document which was forwarded to Mr. Sayag for review. This document was forwarded via email to Mr. Sayag on August 10, 2003. (Exhibit 5)

12. After review by Mr. Sayag, I forwarded a revised patent disclosure document to U.S. Patent Counsel on September 2, 2003. (Exhibit 6).

13. U.S. patent counsel prepared and filed the above-identified application based on this disclosure.

14. To the best of my knowledge Sanrad, Ltd., and its agents have acted diligently from at least January 29, 2001, until to filing of U.S. Application Serial No, 10/694,115 on October 27, 2003 to develop the invention and process and prepare the application.

15. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Respectfully submitted,

Date: September 16, 2007



Michale Ben Shimon
Manager Israeli Clients
eInitiatives New Business Architects Ltd.